

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

GARY MITCHELL,

Plaintiff,

v.

MERCY HOUSING INC., *et al.*,

Defendants.

CASE NO. 2:22-cv-00479-JCC-JRC

SCHEDULING ORDER

The Court has reviewed the parties' Joint Status Report (Dkt. 13) and schedules this case for a five-day jury trial on **June 26, 2023, at 9:30 a.m. before the Honorable John C.**

**Coughenour, Courtroom 16206** with the following pretrial schedule:

Event	Date
Deadline for joining additional parties	<b>July 2, 2022</b>
Deadline for amending pleadings	<b>July 16, 2022</b>
Plaintiff's expert disclosures under Fed. R. Civ. P. 26(a)(2)	<b>October 14, 2022</b>
Defendant's expert disclosures under Fed. R. Civ. P. 26(a)(2)	<b>November 18, 2022</b>

1	Rebuttal expert disclosures	<b>December 2, 2022</b>
2	All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to LCR 7(d) and LCR 37(a)(2)	
3		
4	Deadline to file discovery motions	<b>January 5, 2023</b>
5	Discovery completed by	<b>January 27, 2023</b>
6	All dispositive motions must be filed by ( <i>see</i> LCR 7(d))	<b>February 24, 2023</b>
7	All motions in limine must be filed by this date and noted on the motion calendar no later than the third Friday after filing.	<b>June 1, 2023</b>
8	Motions in limine raised in trial briefs will not be considered.	
9	Agreed LCR 16.1 Pretrial Order due	<b>June 14, 2023</b>
10	Trial briefs, proposed voir dire, jury instructions and exhibits by	<b>June 23, 2023</b>

11 This order sets firm dates that can be changed only by order of the Court, not by  
12 agreement of counsel for the parties. The Court will alter these dates only upon good cause  
13 shown. Failure to complete discovery within the time allowed is not recognized as good cause.  
14 If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal  
15 holiday, the act or event shall be performed on the next business day.

16 If the trial dates assigned to this matter creates an irreconcilable conflict, counsel must  
17 notify Deputy Clerk Kelly Miller at [Kelly\\_miller@wawd.uscourts.gov](mailto:Kelly_miller@wawd.uscourts.gov), within 10 days of the  
18 date of this Order and must set forth the exact nature of the conflict. A failure to do so will be  
19 deemed a waiver. Counsel must be prepared to begin trial on the date scheduled, but it should be  
20 understood that the trial may have to await the completion of other cases.

### 21 Trial Procedures

22 **1. Jury Instructions.** Jury instructions should be numbered sequentially. Counsel  
23 should submit two copies of proposed jury instructions, one with citations and one without, and  
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1 should send electronic copies of the instructions to the chambers orders inbox at  
 2 [coughenourorders@wawd.uscourts.gov](mailto:coughenourorders@wawd.uscourts.gov). Counsel is advised that the Court relies primarily on the  
 3 Ninth Circuit Manual of Model Jury instructions, available at [http://www3.ce9.uscourts.gov/jury-](http://www3.ce9.uscourts.gov/jury-instructions/model-civil)  
 4 instructions/model-civil. The Court will rarely, if ever, deviate from the model instructions'  
 5 language. Counsel should refer to the filing instructions in LCR 51(h) for further instruction on  
 6 Joint Instructions and Joint Statements of Disputed Instructions.

7 **2. Trial exhibits.** The Court must receive all trial exhibits by the date noted above.

8 All trial exhibits must be pre-marked by counsel. Exhibit tags can be obtained from the Clerk's  
 9 Office. Plaintiff's exhibits shall be numbered consecutively starting with number 1.  
 10 Defendant's exhibits shall be numbered consecutively starting with number A-1. Duplicated  
 11 documents shall not be listed twice on the exhibit list. **Once a party has identified an exhibit**  
 12 **on the exhibit list or in the pretrial order, any party may use it. Each set of exhibits shall**  
 13 **be submitted in a three-ring binder with appropriately numbered tabs. This original, and**  
 14 **one copy, should be delivered to the in-court clerk on the morning of trial.** If the exhibit list  
 15 is revised at any time after it is filed with the Court, counsel shall file a revised exhibit list.  
 16 Technology training is strongly encouraged.

### 17 **Discovery**

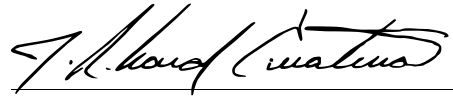
18 As required by LCR 37(a), all discovery matters are to be resolved by agreement if  
 19 possible. Counsel shall also cooperate in preparing the agreed pretrial order in the format  
 20 required by LCR 16.1.

### 21 **Settlement**

22 The Court designates this case for mediation under LCR 39.1(c) and the parties are  
 23 directed to follow through with the procedures set forth in that rule. If this case settles,  
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1 plaintiff's counsel shall notify Kelly Miller via e-mail at [Kelly\\_Miller@wawd.uscourts.gov](mailto:Kelly_Miller@wawd.uscourts.gov), as  
2 soon as possible. Pursuant to LCR 11(b), an attorney who fails to give the Deputy Clerk prompt  
3 notice of settlement may be subject to such discipline as the Court deems appropriate.

4 Dated this 27th day of May, 2022.

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7 J. Richard Creatura  
8 Chief United States Magistrate Judge  
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